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Counsel for Plaintiff
LOUIS VUITTON MALLETIER

FILED
DISTRICT COURT OF GUAM
JAN 06 2003 *nbe*
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CLERK OF COURT

5

UNITED STATES DISTRICT COURT OF GUAM

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

LOUIS VUITTON MALLETIER,

Plaintiff,

vs.

JENNY DOE aka JENNY SALGADO,
and DOES I THROUGH XX.

Defendants.

CIVIL CASE NO. **03-00001**

**DECLARATION OF ROSA L. RESENDEZ
IN SUPPORT OF PLAINTIFF'S VERIFIED
COMPLAINT AND PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER, SEIZURE
ORDER, ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION, ORDER
SEALING FILE AND ORDER
ACCELERATING DISCOVERY**

ROSA L. RESENDEZ, being duly sworn, declare and states as follows:

1. I am a resident of Maite, Guam. I am employed as a receptionist/secretary at the law office of Arriola, Cowan & Arriola, located at 259 Martyr Street, Suite 201, Hagåtña, Guam. Arriola, Cowan & Arriola represents Louis Vuitton Malletier. I file this Declaration in support of Plaintiff's Verified Complaint and Plaintiff's Motion for Temporary Restraining Order, Seizure Order, Order to Show Cause for Preliminary Injunction, Order Sealing File and Order Accelerating

ORIGINAL

Discovery. I have personal knowledge of the facts contained herein. If called as a witness I could testify as to the facts contained herein.

2. On or about November 26, 2002, I was requested by Anita P. Arriola, attorney at Arriola, Cowan & Arriola, to assist in the investigation of the sale of counterfeit Louis Vuitton merchandise. I was given the copy of an advertisement appearing in the Pacific Daily News on November 25, 2002 which read as follows:

**Bags inspired by Louis Vuitton, Gucci, Fendi, Prada.
Excellent quality. \$50 and up. Call 653-5033**

A true and correct copy of the advertisement is attached hereto as Exhibit 1.

3. We did a search of the telephone number 653-5033 on www.411.guam.net, the Guam Telephone Authority directory system on the internet, and produced information that the subscriber of the telephone number 653-5033 is a person named Jenny Salgado. A true and correct copy of the information produced from the internet search is attached hereto as Exhibit 2.

4. On November 26, 2002 I called the telephone number in the advertisement, 653-5033. The woman who answered the telephone identified herself as "Jenny." I told her that I was calling in regards to the ad in the paper and asked if any Louis Vuitton bags or wallets were available. She said that all of the Louis Vuitton items were sold out, but she mentioned that she still had Gucci and Prada items available. I said that I was interested in a Louis Vuitton backpack and/or matching wallets. She said she had some, but they were sold out and they were being sold for \$65.00, with a matching leather wallet selling for \$35 to \$40, depending on the style. I asked her whether they looked real? She said, "Have you gone to the Compadres Mall flea market? They look better than the ones there." She added that the interior of the bags and wallets are suede, smells "real" and has

"the logo." She also mentioned that the same ones selling on the internet and at Duty Free Shopping are \$800 for the bag I mentioned and the wallets can run up to \$200 or more and she sells the items "for so much cheaper, you couldn't tell the difference." I said I was very interested and asked if she can get a backpack and wallet and to let me know when a shipment was coming in. I told her that I was looking for gifts for my nieces. She said that she will let me see what they bring in and she offered that if I wanted anything in a particular design or color, to just let her know. I asked if I could still contact her at this number. She said yes and I gave her my cell number, 456-1164. She said she would call me by December 12 or 13, 2002, or if she doesn't call by the 13th, I should call her.

5. Due to Typhoon Pongsona, I did not call her back on December 12 or 13. However, another advertisement appeared in the Pacific Daily News on Sunday, December 29, 2002. The advertisement read as follows:

**Bags inspired by Louis Vuitton,
Burberrys & Polo \$35-UP
Great Gift! 653-5033. 686-9496**

A true and correct copy of the advertisement is attached hereto as Exhibit 3.

6. At the request of Ms. Arriola, I called the same number, 653-5033, again. There was no answer. I then received a phone call from a female asking if I had called her residence. I said yes. I stated my name and she recalled our previous telephone conversation of November 26, 2002. She identified herself again as "Jenny." She told me that a shipment had arrived just before Christmas and that she still had a good selection in Louis Vuitton products. She said she would be dropping something off in Agat and offered to stop by the Hagåtña area at 6:30 p.m. if I was interested in purchasing anything. I told her I was interested but that I had no cash on me and agreed to meet her

the next day, December 31, 2002, wherever it was convenient for her. She said that anywhere was fine since she's always on the go and has all her merchandise in the trunk of her car. She asked what I was interested in and I replied, the backpack and maybe hand-held or strap bags. She said she had one backpack left and remembered I was also looking for a wallet. I said yes, I was looking to buy a checkbook type of wallet and a cash and coin holder. I also told her I wanted to look for some gifts for three nieces. She said she would call me the next day or that I should call her if I'm free. She also gave me her cell phone number, 686-9496.

7. On December 31, 2002 I tried calling "Jenny" several times at either the 653-5033 or 686-9496 number. When I returned home that evening my children told me that a woman named "Jenny" had called. She called that evening and said that she hadn't been home and apologized if I was trying to reach her. She said she was at a party and couldn't leave but if she could she would call me later. I said it was okay and she could call me on my pager. She agreed and I also mentioned that I was available on New Year's day if she didn't have any plans and to call me. She said that she would try.

8. On January 3, 2003 I contacted Jenny by phone and we agreed to meet at the parking lot of the Plaza housing Bank of Hawaii, near National Office Supply and Micropac in Upper Tumon. At approximately 3:20 p.m. I arrived at the Plaza and parked near the side entrance of the parking lot across the Bonsai Plaza. I saw a white Honda Civic 4- door sedan in the parking lot. A woman got out of the car and I noticed the license plate number on the car as being "TAL2479," which I memorized. The woman who exited the car appeared to be of Philippine descent, about 5 feet and 3 inches, 140 lbs., dark complexion, blotchy skin, brown eyes and dark hair.

9. We greeted each other and she opened the trunk of her car. The woman identified herself as "Jenny". The items in the trunk were mostly merchandise with the "LV" logo; there were some Burberry handbags, some Gucci items and another brand I did not recognize. She showed me the "LV" bags and the wallets. I said I needed about four wallets for my nieces. I purchased two small wallets with a snap closure for \$30.00 each. True and correct copies of photographs of these wallets are attached hereto as Exhibits 4 and 5. I purchased a slim flat wallet with a zipper for \$40.00. A true and correct copy of a photograph of the wallet is attached hereto as Exhibit 6. I also purchased a checkbook style of wallet for \$40.00. A true and correct copy of a photograph of the wallet is attached hereto as Exhibit 7.

10. I then looked at some of the purses with the "LV" logo and commented that they're much better than the ones from Compadres Mall that are from the Philippines. Jenny said hers were better; she had a customer purchase a bag from her that was a "Louis Vuitton" style backpack, her customer had initially bought the same style bag at the Compadres Mall for \$160 and it was falling apart on her. Jenny bragged that the woman purchased the same style bag for \$75 from her and that it's still good and the customer has referred her to other people, adding that a real Louis Vuitton bag of that style cost about \$800.

11. I bought a large "LV" handbag with an "O" ring clutch for \$65.00. A true and correct copy of a photograph of the handbag is attached hereto as Exhibit 8. I bought a small strap "LV" handbag for \$60.00. A true and correct copy of a photograph of the handbag is attached hereto as Exhibit 9. I bought a mid-sized strap bag with the same "LV" design for \$45.00. A true and correct copy of the photograph is attached hereto as Exhibit 10. I also purchased an "LV" backpack style

bag for \$75.00. A true and correct copy of the photograph of the bag is attached hereto as Exhibit 11.

12. I told Jenny that friends of mine at Continental have brought bags from the Philippines and they don't look as good as the ones she was selling. She agreed. She then was looking in other bags for the felt protective bags to put them in. I mentioned that my mother-in-law bought me a bag from Thailand and it had the same type of felt protective bag and asked if they're part of packaging or for storage and is it common practice or just the area of purchase. She said all expensive bags have that type of felt bag. After totaling my sales of \$385, she said "I noticed you didn't get anything for yourself", I said, "it's okay that's not my thing". She said she would add a bag of my choice to make it \$400 even, so I agreed. I bought a large "LV" shoulder strap bag for \$15.00. A true and correct copy of the photograph is attached hereto as Exhibit 12. I gave her \$400 for all of the items I bought. A true and correct copy of a photograph of all of the "LV" items I bought is attached hereto as Exhibit 13.

13. I then took a good look at all of the merchandise in Jenny's trunk. I asked the price for a Louis Vuitton luggage roll-away style and size with the same logo as the others, she said \$260 and I then proceeded to ask her about the other bags she had that were further back in the trunk. She had two leather bags one mid- and one large-sized, she called them Epi Leather with the "LV" logo at the bottom corner that seemed engraved or embedded. She also had a hand-held bag large-sized with the "LV" checkered logo. In addition there were six small wallets and two hand-held bags (shaped like a doctors' bag), one mid- and one large-sized in the "LV" motif leather design. She then had me look at her opening the bags and wallets to make sure the inside and exteriors were okay and then proceeded to tell me that she just wanted to make sure things were okay to avoid exchanges or defects. We said our goodbyes and she said if I needed anything to call her she should have a

shipment coming in the middle of the month. After she left I wrote down the inventory immediately so not to forget, as well as her description and the license plates of the car she drove.

14. I gave all of the items I purchased from Jenny to Anita P. Arriola of Arriola, Cowan & Arriola.

I declare under penalty of perjury under the laws of the United States and the laws of Guam that the foregoing is true and correct.

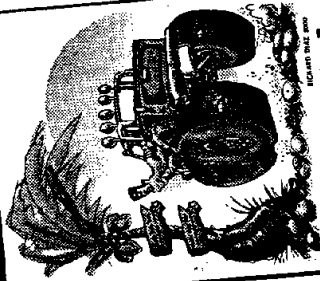
Dated: Jan. 6, 2003



ROSA L. RESENDEZ

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

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EXHIBIT

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2002 Classified news

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EXHIBIT

3

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Barr 3br 3ba concrete hse close to Carbullido school 637-8634

Barr Heights Lower 2br 1ba 4plex Bldg Yard \$900 w/pwr & wtr New Renovation Sec 8ok 649-8084/8804

Barr Hts lower 1br 1ba big kitchen yrd typ shrtls nice \$800 incl. pwr & wtr sec 8-ok 649-8084/8804

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MAITE 2br 2ba ref, stv, ac, pool, utilities not included 477-5843

Manglao Apt 1br AC, Appl. Clean Wtr \$395/mo 789-1520

Manglao VERY LARGE & CLEAN 2br 1ba NO SECURITY DEP. Sec 8 ok 687-1865/647-7326

TAM Nice Quiet 1br&Studio ref ac stv cbl 647-8369/689-4009 lv msg

Tamuning 2br 1ba next to Cost-U-Less & GPO \$650 incl. cable Sec 8 ok 649-8084/8804

Turn-Turn View PH 1 2br/1ba bsc cable, stv, ref, \$750/mo A. Godwin, PB Today's 649-4361

Tumon 3bd/2ba View, F/I, incl. Cable, New Central A/C & W/D \$1250 Call:637-7165/688-0887

Tumon Condo 3br/3ba hse, a-c, wsr dryr, view, clean \$1100/m 687-4340

Yigido \$475w/utl/4br Harmn 1bd \$500 & 3bd Sec8ok 653-2362

Liguan Terr. 7br 2ba acr/Mall: 3br 2ba near Alte Golf 632-2746

ROOMMATES

Tam: Perezville hse to share F/I single pref./honest & responsible w/utilities \$450 649-3735

AUTOMOTIVE

Acura Integra '96 4Dr, STD, CD, Cold AC, Coilovers, Good Condition \$8,500obo 688-2807/472-8337

AUTOMOTIVE

Buck Roadmaster 95 Auto AC power wndw & locks Nice body Runs Great \$4,500 632-3319

Dodge Dakota Sport x-cab '98, V6, Std, A/C, New Tires, 10k Firm Call: 646-5288

Ford '88 Mustang GT 5.0 Std. cd player, a/c, \$3,000 OBO SOLD SOLD SOLD

FORD AEROSTAR 88 a/t pass van 1 Ownr 68kmi Nice Inside runs SOLD SOLD SOLD

HONDA 96 CIVIC DX AT AC 4DR NICE BODY CLEAN \$4,500 CALL 637-5178/721-5391

Hyundai Rocky '92 STD, Good Condition \$3000 obo 667-4664 / 789-4664

JEEP WRANGLER '97 4X4, A/C, AUTO, CD, CLEAN, \$9850 CALL 482-4219/787-6716

Mercedes Benz 190e 1987 Auto AC power windows & locks 4cyl \$4,800 647-3225

MERCEDES BENZ 500 1980 AUTO AC POWER LOCK & WINDOWS \$2,500 647-3225

Mitsu 3000GT 97 AT AC, Custom Stereo, Lthr, xint \$10,500 obo Lvg isnd must sell 565-2016/686-2823

Nissan Maxima '94 auto, cold a/c, sunroof, power pkg, V6 eng., runs great, nice \$4300 637-2629

Nissan Quest Van XE '94 Auto, AC Pwr Window, New Tire, Nice, Runs Good \$5800 734-9034/686-6475

NISSAN SENTRA 96 4DR AUTO AC NEW TIRES AM/FM CASS \$4,500 632-3319

Nissan Sentra GXL '95 4dr Auto, \$3200. Runs Good, Newly Painted call 647-8369 / 689-4009

Toy Camry 91 V4 AC Auto Needs repairs but Good Engine & Body \$1,000 Bob 734-3346 735-2089

Toyota Corolla '94 4dr, auto, a/c, pwr pkg, leaving island, runs great \$4K OBO Call 686-1055/4814

Toyota Paseo '96 2dr Sports Coupe A/T, A/C, 58k miles, good cond, like new, \$5200 646-4347

Toyota Siena CE 2000 16k miles Excellent cond \$16K Call 646-1290/777-4025 Murata

AUTO PARTS

New Car Equalizer w/amp 80watt \$35 • New Car amp Pioneer 140-140w \$150 637-5176/721-5391

WANTED TO BUY

RECURBENT FOR 5ft 6in RIDER Call Darryl on pager 721-5774

MUSICAL INSTRUMENTS

Own the GUITAR of your dreams CherrySunburst RICKENBACKER \$700 XLNT Cond. Jeff 687-0551

MISCELLANEOUS

45ft Ocean Storage Container aluminum GOOD CONDITION \$3,000 649-0080

4k New Generator, 20ft & 40ft Container Blw \$2000, Call 200kv Rental or sale 886-5001

500 gal. Water Storage Tank GREAT for Low or No Water Pressure \$550 Call 649-0080

Bags inspired by Louis Vuitton, Burberrys & Polo \$35-UP Great Gift! 653-5033/686-9496

Canopies 10x10 \$90, 10x20 \$125, 20x20 \$170, 20x30 \$250, 20x40 \$310 • Pipe \$4.50 CALL 688-3442

Motorcycle 2000 Honda 600cc GOOD CONDITION 12units \$1650 611 687-9930

MISCELLANEOUS

NEW YEARS TOYS Wholesale/ Retail Sparklers, bird bombs, shooting stars, etc. Tolan 477-6191

20' Converted Steel Container Living quarters, paneled, insulated, vinyl floor, water, electric, chest freezer, ref, a/c, utility sink, lock storage, two windows only 6 months old \$6,000 OBO Call Jim @ 687-8048

20'x40' CONTAINER FOR SALE CALL 479-1111 OR 888-3553

4K GENERATOR \$900 OBO CALL: 482-0518

COMPUTERS

New Color PDA Sony Clie 16 to 128MB Lcase screen pro 1000+ software warranty \$300 637-7076

HOUSEHOLD

Dining set/chair, Queen bed frame w/2 side dressers, Desk w/matching file cabinet 637-5070/721-5071

ELECTRONICS

BRAND NEW INVERTERS \$175 Runs printer vcr computer tv lights 350 watts 734-2762/476-0059

800 Watt Peak Power Inverter Runs 18" TV, VCR, Fan, Brand New. \$199 Call 637-8851

YARD SALE

Leaving Island Sale 12/28 & 29 clothes, furn, plants, nseid items 162 Oceanview Dr. Nimitz Hill

Lvgn Island Sale Sat/Sun 8a - Noon Across Winchell's, Manglao, Look for Signs. Everything Must Go.

Yard Sale #118 Consolidation Dr. Ded. Mr. Mayor's Office 8a-2p Lot's of Stuff 632-3806

MACHINERY

12K Yamaha Generator Brand New Only 60hrs used, Exel Cond, Elec. Start \$4800 obo 472-1526

5.5k GASOLINE GENERATOR FOR SALE. \$1600 obo. Call 689-5328 after 6pm

5500K Generator-Less Than 2mo. Excellent Condition \$1200 OBO Call 647-4481

Brand New 10kw GENERATOR GENERAC ELECTRIC start \$3,500 688-2007

BRAND NEW 6K GENERATOR SOLD SOLD SOLD

Coleman 3.5K Brand New Generator \$650 OBO SOLD SOLD SOLD

COLEMAN 5K GENERATOR BRAND NEW \$1600 each firm Call 688-9806

Coleman 5KW Generator with 6250KW Surge, Brand New. SOLD SOLD SOLD

Derryo 3-ph 20kw & 25kw gen. New, Arrive January 5th, Dave @ 886-0103 Best Offer

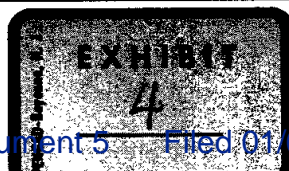
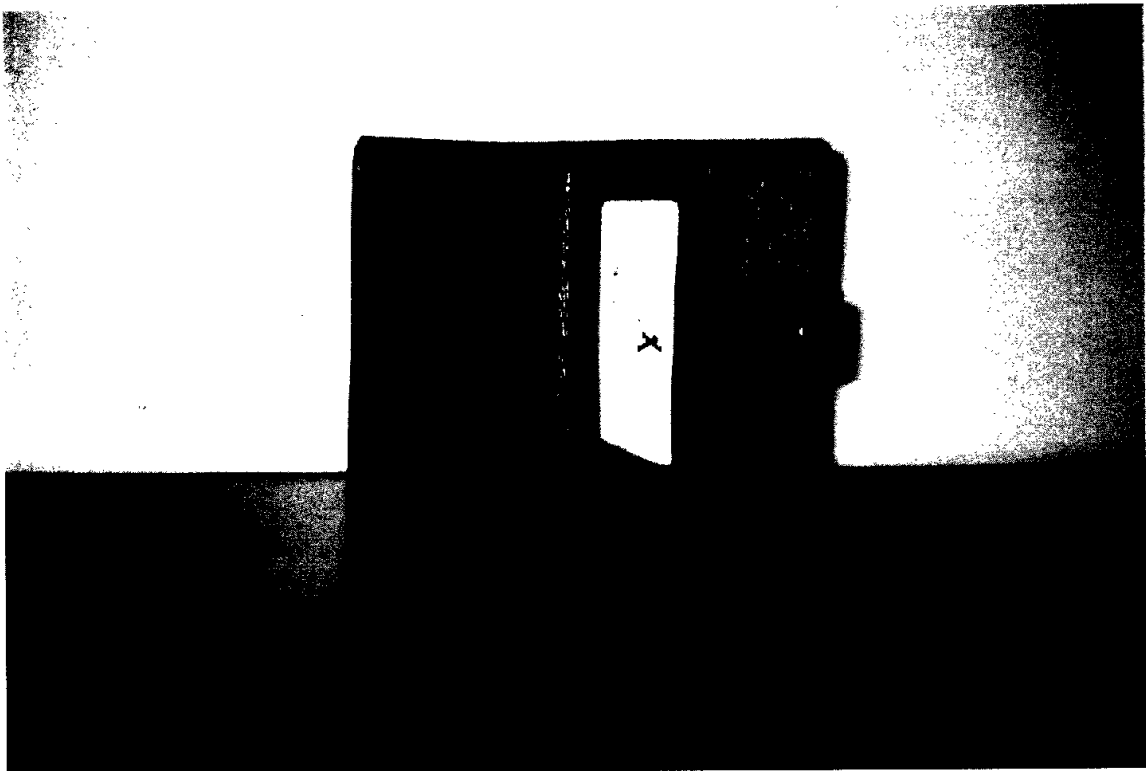
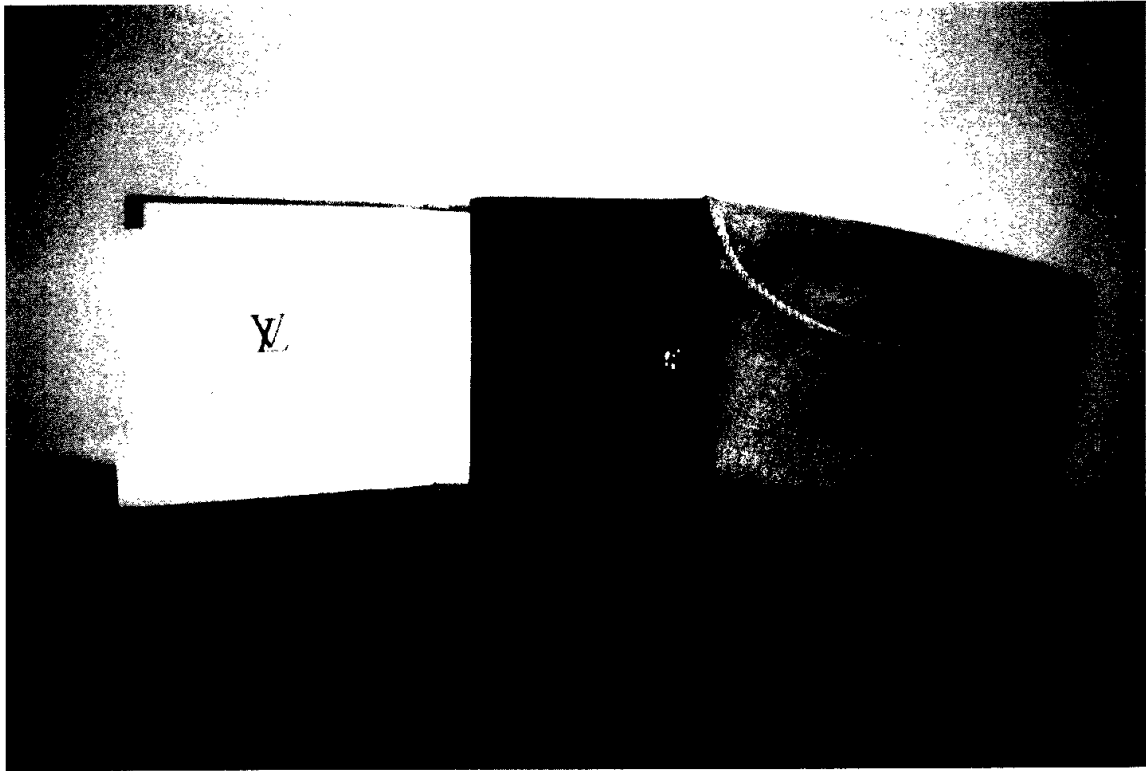
Gen. Honda 9,000kva Brand New Tested, all cables ready for hook up List \$4K+ Sell \$2,700 653-0511

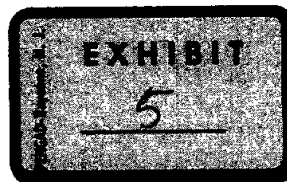
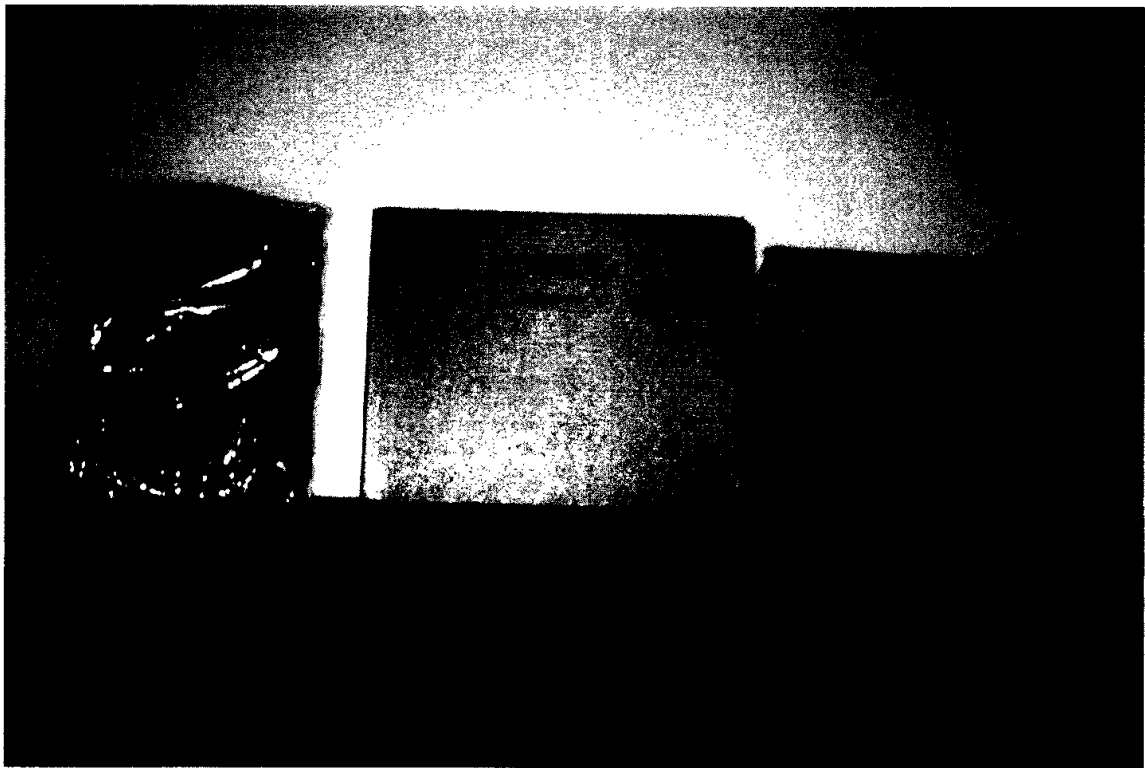
GENERATOR 4,000W Homelite BRAND NEW \$1,000 Call: 678-2043

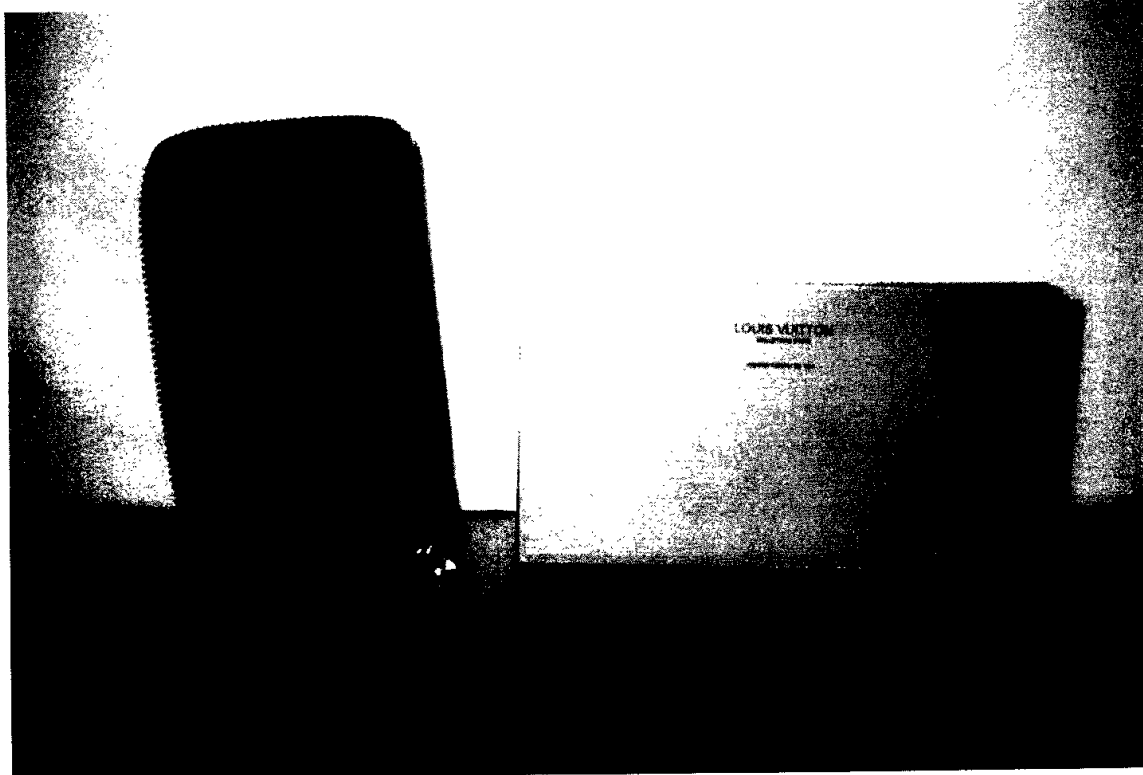
Generator brand new 5kw w/6.2kw surge, 11HP Subaru eng. 6.5 gal tank, wheels 1,350 687-2229

GENERATORS 5K Generac, OHV Engine, 5gal Tank, Wheel Kit, New In Box \$1350 456-3087

HOMELITE GENERATOR 5KW 90hrs Used. Asking \$900 obo







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